

**REMARKS/ARGUMENTS**

The Official Action, a non-final Action, does not take into account the Preliminary Amendment filed with the original application papers on August 29, 2001. In that Amendment, new claims 12-15 were added. Also with the application papers on the transmittal/cover sheet were instructions to cancel claims 2-11. Copies of the transmittal letter and Preliminary Amendment are attached for the examiner's convenience. Also attached is a photocopy of the post card dated August 29, 2001 showing receipt of the preliminary amendment.

The above Amendment cancels claim 1 leaving only claims 12-15 in the application for examination.

The status of the parent application, now an issued patent, as the examiner is well aware, has been updated.

As the claims submitted with the original application have not been examined on the merits and all of the claims addressed in the current Official Action are canceled, a new Official Action is requested. All the issues raised in the current Official Action were or are now moot.

Please also take into consideration that the currently filed Information Disclosure Statement.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_



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Div of 09/265,670  
Serial No.: to be assigned  
Inventor/s: EDMEADES

C#/M#: 1430-272  
Atty: Arthur R. Crawford  
Date: August 29, 2001

Title: COMPOUND AND ITS USE

XX Amendment **Preliminary**  
26 Pages Specification, Claims & Abstract  
4 Claims  
0 Sheets of Drawings  
XX Declaration (4 Pages)  
Assignment ( Pages) Including Cover  
Priority Document(s)  
Base Issue Fee Transmittal  
\$ Fee (Check) - **Pre-Bill**  
\$710.00 Fee (Check) - Non Pre-Bill

**\$710.00 = Total Fee Enclosed**

Other: IDS

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